

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARK S. DANIELS,

Plaintiff,

v.

TRAVELNEVADA.COM RENO AIR
RACES; NEVADA COMMISSION ON
TOURISM; BRIAN KROLICKI; MICHAEL
J. HOUGHTON; RENO-TAHOE AIRPORT
AUTHORITY; RENO AIR RACE
ASSOCIATION; CITY OF RENO; COUNTY
OF WASHOE; KRYST BART,

Defendants.

3:12-CV-00472-LRH-VPC

ORDER

This is a suit under 42 U.S.C. § 1983. On May 9, 2013, the court granted various Defendants' motions to dismiss, finding that plaintiff Mark S. Daniels had failed to state a claim upon which relief could be granted (#59¹). In that order, after considering Daniels' numerous amended pleadings and determining that they had "steadily grown in length as well as implausibility," the court granted Daniels an additional opportunity to amend. The policy of the Federal Rules of Procedure favoring decisions on the merits, as well as Daniels' pro se status, warranted as much. However, the court warned Daniels that unless an amended complaint was

¹ Refers to the court's docket number.

1 submitted within twenty days from the date of entry of the order, the court would dismiss Daniels'
2 action.

3 Daniels did not submit an amended complaint, and now three months have passed. In
4 addition, while certain defendants have filed an additional Motion to Dismiss (#61), Daniels has
5 failed to respond. Where the court has granted a plaintiff an opportunity to amend following
6 dismissal under Rule 12(b), and where the plaintiff has failed to submit an amended complaint,
7 dismissal with prejudice is appropriate. *Toyota Landscape Co., Inc. v. Bldg. Material & Dump*
8 *Truck Drivers Local 420, Int'l Bhd. of Teamsters, Chauffeurs, Warehousemen & Helpers of Am.*,
9 726 F.2d 525, 528 (9th Cir. 1984).

10 IT IS THEREFORE ORDERED that this action is DISMISSED with prejudice. The Clerk
11 of Court is directed to enter judgment in favor of Defendants on all claims.

12 IT IS FURTHER ORDERED that defendants State of Nevada, Brian Krolicki, and the
13 Nevada Commission on Tourism's Motion to Dismiss (#61) is DENIED as moot.

14 IT IS SO ORDERED.

15 DATED this 22nd of August, 2013.



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18 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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